THE HON'BLE SRI JUSTICE RAMESH RANGANATHAN

WRIT PETITION NO.28403 OF 1997

DATE: 21.2.2007

Between:

K.Balaswamy ... Petitioner

And

1. General Manager, A.P.S.R.T.C
Hyderabad and 4 others .. Respondents

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THE HON'BLE SRI JUSTICE RAMESH RANGANATHAN

WRIT PETITION NO.28403 OF 1997

ORDER:

This writ petition is filed seeking promotion to the post of Assistant Depot Clerk/Controller with effect from 5.4.1995 on which date respondents 4 and 5 were promoted as Assistant Depot Clerk/Controller.

It is the case of the petitioner that since he was senior to respondents 4 and 5 in the provisional seniority list, he ought to have been promoted with effect from 5.4.1995 and not from 16.6.1997 when he was actually promoted.

In the counter affidavit, while various service particulars of respondents 4 and 5 are detailed, it is submitted that respondents 4 and 5 are placed at Sl.No.385(A) and 386(A), vide notification dated 10.3.1995 and were accordingly promoted on 5.4.1995 and 8.4.1995 respectively and since the petitioner was at Sl.No.499 he was promoted as ADC on 16.6.1997.

Since it now transpires that the petitioner was, in fact, junior to respondents 4 and 5 and was earlier under the misconception that he was senior to them, the entire writ petition based on such an erroneous premise, would necessitate its dismissal.

The writ petition is accordingly. However, in the circumstances without costs.

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21-2-2007

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